

AMENDMENTS TO THE DRAWINGS

Attached is one sheet of formal Replacement Drawing containing Figure 2 which includes changes. This sheet of Replacement Drawing replaces the corresponding originally filed sheet including Fig. 2. In Figure 2, previously omitted labels for elements S1-S12 have been added. Also attached is an annotated copy of Figure 2 showing the changes.

Attachment: Replacement Sheet
Annotated Sheet Showing Changes

REMARKS

The Office Action, mailed May 31, 2006, considered claims 1-24, rejecting claims 1-9, 11-21, 23, and 24.¹ Claims 10 and 22 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Objections to the Abstract and the drawings were also made in the outstanding Office Action. However, in view of the amendments to the Abstract and the drawings², Applicant respectfully submits that the objections have now been overcome and should, therefore, be withdrawn.

By this paper, claims 1, 13, and 23 have been amended, such that claims 1-24 remain pending and of which claims 1, 13 and 23 are the only independent claims at issue.

The present invention is generally directed towards embodiments for enabling a wireless mobile communication station to control when pushed packet data from an originator is received by the wireless mobile communication station. As such, the claimed embodiments overcome many of the problems described in the prior art with regard to existing systems that have proven inadequate for enabling a wireless device to, itself, restrict and control when pushed data is received from an originator attempting to push data to the wireless device. Existing systems are problematic, as described in the background section of the application, because pushed data that is received by a wireless device can result in charges and other undesired consequences, despite the fact that the wireless device may not want the pushed data. (See the entire background and summary section, including paragraphs 11 and 12). The embodiments of the present invention

¹ Claims 1, 5-7, 11-13, 17-19, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andersson (U.S. Patent No. 6,047,194) in view of Moore (U.S. Patent No. 5,475,374). Claims 2 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andersson in view of Moore, as applied to claims 1 and 13, and further in view of Lager (U.S. Patent No. 6,636,502). Claims 3, 4, 8, 15, 16, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andersson in view of Moore, as applied to claims 1 and 13, and further in view of Wang (U.S. Patent No. 6,614,774). Claims 9 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andersson in view of Moore and Wang, and further in view of Brothers (U.S. Patent No. 6,822,955). Although the prior art status is not being challenged at this time, Applicant reserves the right to challenge the prior art status and assertions made with regard to the cited art, as well as any official notice, which was taken in the last office action, at any appropriate time in the future, should the need arise, such as, for example in a subsequent amendment or during prosecution of a related application. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art. Furthermore, a lack of response to any particular assertions or rejections in this paper should not be construed as Applicant acquiescing to said assertions or rejections.

² Amendments to the drawings are identified above, in the Amendments to the Drawings section. Corresponding annotated and replacement drawings have also been included with this amendment.

can overcome this problem by enabling the wireless device a way to control when and to whom packet data sessions are established based upon the identity of the originator and such that pushed packet data is only received from one or more predefined originators.

Claim 1, for example, recites a method for enabling a wireless mobile communication station to control when pushed packet data is received from an originator, as recited from the perspective of the wireless station. As recited, the wireless mobile communication station receives a network address of an originator of packet data that is attempting to push the packet data to the mobile communication station. The station then determines if the received network address matches a predefined network address of the originator that is included in a set of one or more predefined network addresses stored by the wireless station. If the network address of the originator is found to match one or more of the predefined network addresses of the originator stored by the wireless station, then the identity of the originator is verified at the wireless station. Next, and only if the identity of the originator is verified as authentic, the wireless station establishes a packet data session with the originator, such that the packet data is transmitted to and received by the wireless mobile communication station only after determining that the received network address is included in the set of one or more predefined network addresses stored by the wireless mobile communication station.

Claims 13 and 23 are directed to similar embodiments as claim 1. However, whereas claim 1 is specifically directed to a method implemented from the perspective of a mobile station, claim 13 is directed to a corresponding method implemented from a system that includes the mobile station and an originator. Claim 23 is directed to the overall system, which is configured to implement the method recited in claim 13, for example.

Initially, Applicant notes that the remarks and amendments presented herein have been made merely to clarify the claimed embodiments and to explicitly recite elements that were already inherently present in the claims. For example, claims 1, 13, and 23 have been amended to clarify that "packet data is transmitted to and received by the wireless mobile communication station only after determining that the received network address is included in the set of one or more predefined network addresses stored by the wireless mobile communication station," and that verification of the identity of the originator is based on a comparison of the '**originator's** address with addresses that are stored at the mobile station.' Support for the claim amendments is found throughout the application, including, but not limited to the previously presented claims,

and the disclosure found in Figure 2 and paragraphs [053]-[055] of the specification as originally filed. In view of the foregoing, Applicant submits that the amendments to the claims do not introduce new matter and entry thereof is respectfully requested.

Applicant also submits that the claims, as presented, are neither anticipated, nor made obvious by, the cited art of record.

Andersson is the primary reference used to reject the claims, as viewed in combination with other art. Similar to the claimed invention, *Andersson* is directed to a user selectively permitting transmission of packet data to a mobile terminal. See Abstract and col. 1, lines 27-30. However, *Andersson* does this in a significantly different manner than the claimed invention. While it appears *Andersson* discloses that when an originator of packet data desires to send data to a mobile terminal, an SMS message is transmitted to the mobile terminal, and which includes an identification of the originator of data, *Andersson* does not automatically determine which messages will be received based upon the verification of the originator of the packet. Instead, and in contrast to the pending claims, *Andersson* teaches that upon receiving an SMS message, the mobile terminal displays the identification to the user of the mobile terminal on a display element 144 for the user to selectively determine whether to allow the data to be received or not. In other words, *Andersson's* packet data is selectively accepted at the mobile terminal at the whim of the user and in response to the user manually granting permission to receive the data. See col. 8, lines 21-43 and Figure 3. In fact, the user must manipulate a manual selector 146, such as the keypad on the mobile terminal, to selectively indicate which data is to be received or not. Thus, each time an originator of packet data desires to send data to the mobile terminal, the user manually determines whether to receive the data, notwithstanding any previous acceptance or denial of data from the originator and irrespective of any validation of the originator's address.

Notably, *Andersson*, in direct contrast to what is recited by the claims and as acknowledged by the Examiner, does not teach including the network address of the originator of packet data in a set of one or more predefined network addresses nor verifying the identity of the originator as being authentic. To compensate for the inadequacies of *Andersson* in this regard, the Examiner has relied on the teachings of *Moore*.

Applicant notes, however, that *Moore* fails to remedy the inadequacies of *Andersson*. Instead, *Moore* merely discloses a system in which a message is sent to one or more portable devices, the message containing three portions: an optional address portion, an index portion,

and an information portion. Upon receiving a message, the portable device reads the optional address portion of the message to determine if the message is addressed to the portable device. If the portable device determines that it is an intended recipient, or there is no address portion to the message, the portable device processes the index and information portions of the message. To determine if the message is addressed to the portable device, the portable device compares the address portion received in the message to selective call and group call addresses stored in the portable device. *Moore* discloses that these stored addresses indicate "which portable device or group of portable devices ... are intended to further process the information within the message." Col. 5, lines 48-52. Thus, Applicant notes that *Moore's* stored addresses are not addresses of the originator of the data, as claimed in combination with the other recited claim elements, but are instead addresses of the portable devices or groups that are meant to receive the data. Applicant can find no teaching or suggestion in *Moore* for any type of verification of the identity of the originator of data.

Thus, while *Moore* does appear to teach storing addresses to some degree, *Moore* clearly fails to teach including the network address of the originator in a set of one or more predefined network addresses, as recited in the claims, and therefore fails to remedy the acknowledged inadequacies of *Andersson*. Accordingly, for at least the forgoing reason, the pending claims are distinguished from the cited art of record. In particular, the present claims require the wireless mobile communication station to determine if the received network address matches a predefined network address of the originator included in a set of one or more predefined network addresses stored by the wireless mobile communication station. See claims 1, 13, and 23. In this regard, it will be noted that *Moore* fails to disclose storing any addresses of originators of data.

Likewise, *Moore* also clearly fails to teach verifying the identity of the originator as being authentic as a prerequisite for establishing the packet data session and receiving the packet data that is being sent by the originator, as recited in the claims. In fact, the cited disclosure in *Moore* fails to disclose any authentication of an originator of data of any sort, let alone prior to establishing the packet data session that is used to transmit the packet data to the mobile station. Instead, and in direct contrast to the claimed invention, *Moore* transmits data to the recipient without any verification or authentication. It is only after the data is transmitted that the

recipient determines which data of the information portion of the message is to be processed, and which determination is based on the address of the recipient (not the originator).³

Furthermore, even if *Moore* did teach the same type of network address storage and authentication as that which is claimed, *arguendo*, which it doesn't, Applicant submits that there is no adequate motivation for modifying *Andersson* with *Moore*.⁴ As noted above, *Andersson* is directed to a user selectively permitting transmission of packet data to a mobile terminal. In *Andersson* each time an originator of packet data desires to send data to the mobile terminal, the user selectively determines whether to receive the data, notwithstanding any previous acceptance or denial of data from the originator. In contrast, to the functionality described in *Andersson* the *Moore* portable device automatically accepts or rejects a message based on whether a received address (not the originator's address) matches an address stored in the portable device. In this regard, it will be noted that there would not be a motivation to modify *Andersson* with the teachings of *Moore*. In particular, if the determination method of *Moore* were used in *Andersson*, the determination of which messages would be allowed to be received by the remote terminal would be performed automatically and without enabling the user to selectively receive the messages. This would thereby render *Andersson* unsatisfactory for its intended purpose and change the principle of operation of *Andersson*, inasmuch as the user would no longer have selective control over the receipt of the data, as described.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicants acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicants reserve the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any

³ In fact, if all recipients are authorized to process the data, then the address portion of the message is not even necessary. (See Col. 5, ll. 56-59), See also Col. 6-8. It is also noted, with regard to the motivation argument provided in the following section, that it would also not make sense to modify *Andersson* to automatically receive the message data (information portion), as taught by *Moore*, prior to the user selecting which data is to be received. That would be in direct contrast to the purposes of *Andersson*.

⁴ MPEP § 2143.01 lists various limitations when determining whether there is sufficient motivation or suggestion to make a proposed modification. Among them are:

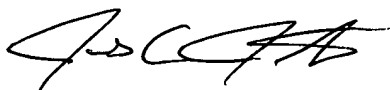
- the proposed modification cannot render the prior art unsatisfactory for its intended purpose, and
- the proposed modification cannot change the principle of operation of a reference.

Official Notice, explicitly or implicitly, Applicants specifically request that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 29th day of August, 2006.

Respectfully submitted,



JENS C. JENKINS
Registration No. 44,803
SCOTT A. WOODBURY
Registration No. 55,743
Attorneys for Applicant
Customer No. 022913

JCJ:ahy
AHY0000001333V001



2/2

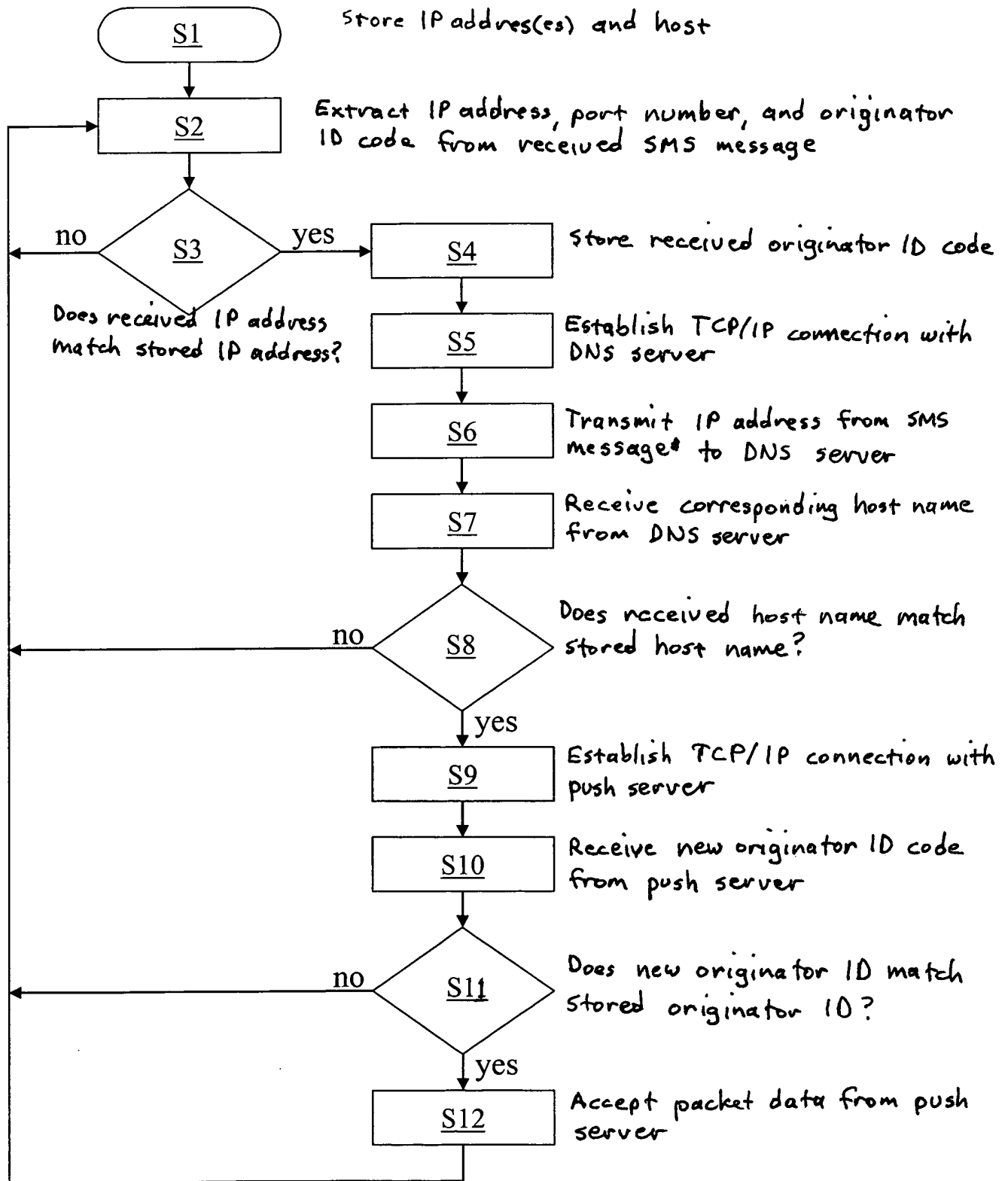


FIG. 2